

## DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### *Claim Rejections - 35 USC § 101*

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 15 and 22 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. Supreme Court precedent (*Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-788 (1876)), and recent Federal Circuit decisions (*In re Bilski*, 88 USPQ2d 1385 (Fed. Cir. 2008)) indicate that a statutory “process” under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing. While the instant claim recites a series of steps or acts to be performed, the claim neither transforms underlying subject matter nor is positively tied to another statutory category that accomplishes the claimed method steps, and therefore does not qualify as a statutory process. For example, the steps of receiving, generating, matching, establishing, detecting, adding are not tie to any apparatus.

*Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 26 recites “configured to” clauses. The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.

Claim 22 is rejected under 112 second paragraphs because it is unclear as what detecting the ambiguity? Adding additional domains to the multilevel domain name corresponding to which device? First or second device? How and where to receive/get telephone number identifies a first or second device that corresponding to one or more domains?

*Claim Rejections - 35 USC § 103*

4. Claims 15-18, 21, and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersen et al. (U.S. Patent 5,974,453).

Regarding claim 15, Andersen teaches receiving a telephone number portion identifying a device (*phone number 011-123-456-7890 identifying device 115*) assigned a static Internet Protocol address in a network (col. 2, lines 39-40; col. 7, lines 27-32 -

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please note that Andersen discussed dynamically assigned IP address and the static identifier and that IP address is static IP address not dynamic IP address); generating a multiple level domain name comprising one or more domains corresponding to the telephone number portion (col. 3, lines 29-41, *for example, 7890.456.123.011.dir-con.com*); and establishing communication with the device via the multiple level domain name over the network via the static IP address (col. 3, lines 37-48).

Andersen does not explicitly suggest matching the multiple level domain name to the static Internet Protocol address.

However, on one hand, Andersen teaches the Domain Name System checks the domain name system table and then using a first resolve routing to access the database, then server 135 returns the proper IP address (col. 7, lines 35-45). On the other hand, since the multiple level domain name corresponding to the telephone number portion and a base portion, hence it would have been obvious to one of ordinary skill in the art at the time the invention was made that matching the multiple level domain name to the Internet address is necessary in order to verify and return the proper IP address and to establish a communication session via the Internet.

Regarding claim 16, Andersen et al. teach inserting domain separators in the multiple level domain at determinable locations between the one or more domains corresponding to the telephone number portion ("adding the periods" - col. 5, lines 63-67).

Regarding claims 17 and 29, Andersen et al. teach parsing the received telephone number (Fig. 5, 500) portion for a separator ("arrange static identifier to form DNS device name"); and inserting the separator with a domain separator (Fig. 5, 515).

Regarding claim 18, Andersen et al. teach appending additional domain levels to the multiple level domain name (col. 8, lines 12-15).

Regarding claim 21, Andersen et al. teach querying the second device over the network; and receiving a response from the second device indicative of second device availability ("the device 115 is transmitting keep-alive signals") (col. 7, lines 47-64).

Claims 26-27 are rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Andersen teaches receiving logic, conversion logic (col. 3, lines 38-41), look up logic / look up table (col. 7, lines 40-45), and a processor (Fig. 2, processor 205).

As to claim 28, Andersen teaches inserting digits to the domain levels correspond to one or more of a country code, an area code, and an exchange (col. 5, lines 60-63; col. 6, lines 60-66).

5. Claims 19-20, 22-25, and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersen in view of Nielsen (US Patent 5,925,106).

Regarding claims 19 and 30, Andersen does not teach recognizing in the multiple level domain name insufficiency in a number of domain levels necessary to identify the device in the network and appending additional domain levels to the multiple level domain name to correct the insufficiency in the domain levels.

Nielsen teaches recognizing in the multiple level domain name insufficiency in a number of domain levels necessary to identify the device in the network (col. 2, lines 5-7); appending additional domain levels to the multiple level domain name to correct the insufficiency in the domain levels (col. 2, lines 17-19; col. 6, lines 1-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Nielsen into the teachings of Andersen for the purpose of having a more efficient system and making sure that one has correct domain name establish a communication session via the Internet.

As to claims 20 and 31, Andersen teaches additional digits may be added to the domain levels correspond to one or more of a country code, an area code, and an exchange (col. 5, lines 60-63; col. 6, lines 60-66), hence adding additional digits would be easily done in the same fashion.

Claims 22, 23, 24 and 25 are rejected for the same reasons as discussed above with respect to claims 19, 1, 17, and 16, respectively.

### *Response to Arguments*

6. Applicant's arguments with respect to claims 15-31 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments are addressed in the above claims rejection. Applicant mainly argues that Andersen does not teach static IP address, instead Andersen teaches static names for devices dynamically assigned network address. Examiner respectfully submits that Andersen teaches

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dynamically assigned IP address and the static identifier and that IP address is static IP address not dynamic IP address.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Quynh H Nguyen/

Primary Examiner, Art Unit 2614